



# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Alan C. Lloyd, Ph.D.  
Agency Secretary

Arnold Schwarzenegger  
Governor

Certified Mail: 7000 0600 0027 1155 2840

March 30, 2006

Mr. Randall Sawyer, Director  
Contra Costa Health Services  
4333 Pacheco Boulevard  
Martinez, California 94553

Dear Mr. Sawyer:

The California Environmental Protection Agency (Cal/EPA) and the Department of Toxic Substances Control conducted a program evaluation of Contra Costa Health Services' Certified Unified Program Agency (CUPA) on November 15<sup>th</sup> and 16<sup>th</sup>, 2005. The evaluation was comprised of an in-office program review and field inspections. The state evaluators completed a Certified Unified Program Agency Evaluation, Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation. I have reviewed the enclosed copy of the Summary of Findings and I find that Contra Costa Health Services' program performance is satisfactory with some improvement needed. Cal/EPA's Unified Program staff will coordinate with your agency to track the correction of any identified deficiencies over the time frame and schedule included in the Summary of Findings.

Thank you for your continued commitment to the protection of public health and the environment. If you have any questions or need further assistance, you may contact Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosures  
cc: See next page

Randall Sawyer  
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cc: Mr. Randall Sawyer, Director (Sent Via Email)  
Contra Costa Health Services  
4333 Pacheco Boulevard  
Martinez, California 94553

Mr. Mickey Pierce (Sent Via Email)  
Department of Toxic Substance Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2721

Mr. Charles McLaughlin (Sent Via Email)  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806



STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY



Alan C. Lloyd, Ph.D.  
Agency Secretary

**CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION  
SUMMARY OF FINDINGS**

Arnold  
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Governor

**CUPA: Contra Costa Health Services**

**Evaluation Date: November 15<sup>th</sup>, 2005**

**EVALUATION TEAM**

**Cal/EPA: Dennis Karidis**  
**Cal/EPA: Kareem Taylor**  
**DTSC: Mickey Pierce**

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management.

Questions or comments can be directed to Dennis Karidis at 916-327-9558.

	<b><u>Deficiencies</u></b>	<b><u>Preliminary Corrective Action</u></b>	<b><u>Timeframe</u></b>
1	<p>The following discrepancies were found in the annual summary reports:</p> <ul style="list-style-type: none"><li>• The CUPA is referring enforcement cases to the DA, however, penalties assessed/collected are not being reported to the state in annual summary report 4.</li><li>• The reported number of businesses that returned to compliance are not accurately reflected in summary report 3.</li><li>• The CUPA's 04/05 self audit noted that 9 cases were referred to the District Attorney's office for enforcement, and the 03/04 self audit noted 4 HW cases referred to the DA. Neither the 04/05 nor the 03/04 Annual Enforcement Summary Reports reflect this.</li></ul>	<p>The CUPA will begin collecting and imputing required information.</p>	<p>Immediately</p>

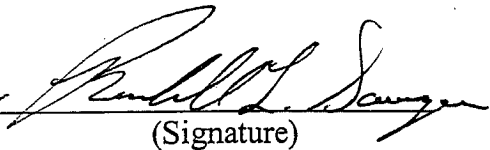
Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

2	<p>The CUPA is not consistently ensuring that businesses found to have minor violations return to compliance within 30 days from the date of the notice to comply. Based on a review of the CUPA's files, some businesses found to have minor violations did not submit documentation demonstrating the violations have been corrected. In addition, the CUPA is not consistently ensuring that businesses found to have minor violations sign a notice to comply certifying that the violation(s) have been corrected, and return it to the CUPA. The CUPA does perform re-inspections to verify compliance in some cases.</p>	<p>The CUPA will ensure businesses submit documentation demonstrating correction of all violations and certification of return to compliance.</p>	<p>Immediately</p>
3	<p>The CUPA is not adequately documenting violations by not including the factual basis of the violation and the corrective actions to be taken.</p>	<p>Refer to the CalEPA Guidance for Inspection Report Writing. Remind inspectors that each violation must include the facts, corrective action and timeframes for correction.</p>	<p>30 days</p>
4	<p>The CUPA is not properly classifying violations found during inspections. Five of eleven files reviewed contained violations that the evaluator believes to be mis-classified:</p> <ul style="list-style-type: none"> <li>• IMTT report noted accumulation &gt;90 days as a minor violation.</li> <li>• Rosal Auto Wrecker's reports noted lack of shipping papers in consecutive inspections. Both instances were handled as minor violations. Also, lack of training documentation was noted as a minor violation.</li> <li>• Buchannon air filed noted illegal treatment as a minor violation.</li> <li>• Systron Donner report noted lack of Biennial Report as a minor violation.</li> <li>• Mark Morris complaint response report noted lack of training documents, contingency plan and inspection logs as minor violations.</li> </ul>	<p>Provide training to staff on the definitions of Class I, Class II and Minor violations</p>	<p>30 days</p>


Certified Unified Program Agency (CUPA)  
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5	The CUPA is allowing timeframes for correction of violations which exceed the maximum timeframes for correction as prescribed by law. In the Diritto Brothers Nissan file, the facility was given more than 30 days to correct minor violations on two consecutive inspections. Additionally, no timeframe for correction was provided to Rosal Auto Wreckers in 2003 for violations.	Ensure that violation correction timeframes to not exceed 30 days, or that if the timeframes do exceed 30 days that the violation is properly classified as a Class I or Class II violation	Immediately
6	The CUPA is not adequately conducting enforcement of hazardous waste violations. The CUPA stated that some cases referred to the DA are not handled. The CUPA has shown that steps to increase enforcement are being taken.	The CUPA will train inspectors on enforcement procedures.	60 days
7	The CUPA failed to conduct a complete inspection in accordance with hazardous waste laws and regulations. The CUPA did not ensure that the three PBR files reviewed contained an annually updated closure cost estimate.	Contact all PBR facilities and request that each facility submit a revised Closure Cost Estimate and updated annual notification.	60 days

CUPA Representative

Randall L. Sawyer (Print Name)  (Signature)

Evaluation Team Leader

Kareem Taylor (Print Name)  (Signature)

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

1. **Observation:** The CUPA's inspection report format contained on the new tablet PC's only allows classification of BP, CalARP, and UST violations as other.

**Recommendation:** Add a field for classifying minor violations in addition to the classification other.

2. **Observation:** The CUPA has developed a Certification of Return to Compliance with instructions.

**Recommendation:** Begin routinely issuing the Certification of Return to Compliance and instructions to businesses that have received a Notice to Comply.

3. **Observation:** The CUPA noted in its self audit and during the evaluation that data management and reporting are known problems. This is evidenced by Summary Report 4 which notes more informal enforcement actions taken than businesses with minor violations.

**Recommendation:** Continue with identified deficiency correction timelines noted in 04/05 self audit "Status Report of Deficiencies".

4. **Observation:** The CUPA has modified its Inspection Report to include documenting consent during inspections in light of previous evaluation recommendations.

**Recommendation:** Appreciation for changes are noted.

5. **Observation:** The CUPA's inspection reports do not have space to note the proper classification of each violation individually. The report does not specify when a standard applies to either a LQG or a SQG/CESQG. Additionally, the report does not provide much room for marking violations or observations without use of a separate "continuation" page.

**Recommendation:** Revise the inspection report to allow for more concise documentation of the findings of the inspection

6. **Observation:** The findings resulting from "Incidents and Complaints" are not always recorded as inspections or included in the facility's file. The CUPA is not giving itself credit for conducting these inspections or abating these violations. The "Incidents and Complaints" were made available through a database and separate tracking system.

**Recommendation:** Ensure that "Incidents and Complaints" are recorded as inspections and stored in the facility files.

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**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The CUPA held several UST owner/operator workshops. These low-cost workshops were designed to help UST facilities pass the required regulatory test.
2. The CUPA is now utilizing tablet PC's to electronically document field inspections and transfer data to CUPA DMS (Data Management System).
3. The CUPA has developed five hazardous waste collection centers at marinas.
4. The CUPA continues to provide businesses with training workshops on regulatory compliance, completing UP forms, and what to expect during an inspection.
5. The CUPA established and maintains the Contra Costa County Green Business Program. The Program recognizes businesses that go beyond regulatory compliance and promote and practice conservation and pollution reduction. The Green Business Program is conducted in partnership with 25 other agencies and cities. Currently there are 190 Green Businesses in Contra Costa County.
6. The CUPA's ISO expands the requirements of the CalARP Program. Under the ISO, regulated businesses are required to submit a Safety Plan and participate in additional prevention programs. Safety Plans expand on the Risk Management Plan and cover all of the processes at a regulated business. The additional prevention programs include incident investigation (Root Cause Analysis), implementation of a Human Factors Program, and the consideration of inherently safer systems.
7. The CUPA has a well laid out and informative website. Businesses can access information and forms for each of the Unified Programs elements. In addition, the public can find information such as hazardous materials incidents.
8. The CUPA has developed an informational video on inspection programs for broadcast on the local cable access show.
9. The CUPA has participated in numerous "safety fairs" throughout the County to provide the community with hazardous materials information.
10. The CUPA has made hazardous materials safety presentations at local schools and organizations.
11. The CUPA has been very cooperative with and responsive to joint inspections lead by DTSC and U.S. EPA at hazardous waste facilities.
12. The CUPA is generating a quarterly newsletter to convey regulatory information to the regulated universe. The newsletter contains both global and local issues.

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